

REMARKS

Claims 1-81 were previously pending in the subject application. The Examiner has rejected claims 1-14, 18-21, 69-73, and 81 and has withdrawn claims 22-68 and 74-80 from further consideration. The Examiner has indicated that claims 15-17 include allowable subject matter. Applicant has amended claims 1-7, 12-18, 21-22, 26, 29-30, 32-34, 37-38, 69-73, and 81 and has cancelled claims 8-11, 39-68, and 74-80, without prejudice or disclaimer of the subject matter contained therein. Applicant has also added claims 82-93. Accordingly, claims 1-7, 12-38, 69-73, and 81-93 are now pending in the subject application. Support for the amendments can be found at, for example, paragraph nos. 49, 63, 89-92, 113-115, and FIGs. 13-15. No new matter has been added to the subject application.

Applicant will sequentially address various issues raised by the Examiner.

Election/Restrictions

The Examiner has withdrawn claims 22-68 and 74-80 from further consideration as being drawn to non-elected inventions. In an effort to expedite the prosecution of the subject application, Applicant has cancelled claims 39-68 and 74-80, without prejudice or disclaimer of the subject matter contained therein. Applicant reserves the right to pursue the cancelled subject matter in one or more continuing patent applications. However, Applicant has retained claims 22-38, which depend from claim 1. Upon indication of allowance of claim 1, Applicant respectfully requests that the Examiner withdraw the restriction requirement for claims 22-38 and consider those claims in the subject application.

Claim Objection

The Examiner has objected to claim 69 as reciting "an energy-transmitting strip" and "the stripe." Applicant has amended claim 69 to recite "an energy-transmitting stripe," and respectfully requests that the Examiner withdraw the objection to that claim.

Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

The Examiner has rejected claims 1-14, 18-21, 69-73, and 81 under 35 U.S.C. §102 and/or 35 U.S.C. §103 in view of four cited references. Applicant respectfully traverses these rejections of claims 1-14, 18-21, 69-73, and 81. Nonetheless, in an effort to expedite the prosecution of the subject application, Applicant is submitting amendments to more fully distinguish over the cited references. Applicant has also cancelled claims 8-11, without prejudice or disclaimer of the subject matter contained therein. In addition, Applicant is submitting amendments for purposes of clarification or consistency or for purposes of adjusting dependencies of some of the claims.

Claim 1 includes a number of features that are not taught or suggested by the cited references, taken either alone or in combination. For example, Applicant's review of the cited references has failed to identify any teaching directed to an actuator as recited in claim 1, which actuator comprises "an energy-transmitting stripe associated with the second biological material so as to energize the second biological material with a first type of energy," and "a reservoir containing a substance that is a source of a second type of energy, wherein the reservoir is positioned so as to retain the substance in contact with the first and second biological materials to aid interaction of the first and second biological materials," wherein, "when the stripe is energized, the movable member moves substantially linearly as a result of the interaction of the first and second biological materials." At least in view of the foregoing reasons, Applicant respectfully submits that claim 1 defines subject matter that is not taught or suggested by the cited references. Therefore, Applicant submits that claim 1 and its dependent claims 22-38 are in a condition for allowance.

The Examiner has indicated that the cited references do not reasonably teach or suggest an actuator as recited in claims 15-17. Applicant has amended claim 15 to be in independent form by incorporating certain features previously recited in claims 1 and 8-11. Applicant has also amended claim 15 for purposes of clarification or consistency. At least in view of the foregoing reasons, Applicant respectfully submits that claim 15 defines subject matter that is not taught or suggested by the cited references, taken either alone or in combination. Therefore, Applicant submits that claim 15 and its dependent claims 2-7, 12-14, 16-21, and 81-82 are in a condition for allowance.

Claim 69 includes a number of features that are not taught or suggested by the cited references, taken either alone or in combination. For example, Applicant's review of the cited references has failed to identify any teaching directed to a process for preparing an actuator as recited in claim 69, which process comprises "providing a reservoir having ... an energy-transmitting stripe connecting the second biological material to a source of a first type of energy" and "providing a source of a second type of energy to aid interaction of the first and second biological materials, wherein, when the first type of energy is transmitted to the second biological material, the movable member moves from a starting position to a different position." At least in view of the foregoing reasons, Applicant respectfully submits that claim 69 defines subject matter that is not taught or suggested by the cited references. Therefore, Applicant submits that claim 69 and its dependent claims 70-73 and 83-85 are in a condition for allowance.

In addition, claims 70-73 and 83-85 include a number of additional features that are not taught or suggested by the cited references. For example, with respect to claim 83, the cited references fail to teach or suggest that "the source of the first type of energy is a source of heat, electricity, light, or electrochemical energy."

New Claims

Claims 82-85 are in a condition for allowance for at least the reasons set forth above.

Claim 86 includes a number of features that are not taught or suggested by the cited references, taken either alone or in combination. For example, Applicant's review of the cited references has failed to identify any teaching directed to an actuator as recited in claim 86, which actuator comprises "a movable member," "a first biological material positioned on at least a portion of the movable member," "a reservoir defining two orifices that are positioned so as to receive opposite ends of the movable member," and "a second biological material positioned within the reservoir so as to interact with the first biological material," wherein, "when the second biological material is sufficiently energized, an interaction of the first and second biological materials is such that the movable member is moved substantially linearly in a direction towards one of the orifices." At least in view of the foregoing reasons, Applicant respectfully submits that claim 86 defines subject matter that is not taught or suggested by the

cited references. Therefore, Applicant submits that claim 86 and its dependent claims 87-93 are in a condition for allowance.

In sum, Applicant submits that all of the claims of the subject application should now be in a condition for allowance, which is respectfully solicited. If the Examiner believes that any of the claims are not in a condition for allowance, the Examiner is encouraged to contact the undersigned to resolve any outstanding issues.

Dated: May 23, 2005

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